

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**TOMMY D. SMITH
ADC # 100108**

PLAINTIFF

V.

5:08CV00080 JMM-JWC

MICHAEL DELONEY, et al.

DEFENDANTS

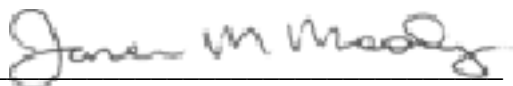
ORDER

The Court has reviewed the findings and recommendations from Magistrate Judge Jerry W. Cavaneau and the relevant record de novo. Plaintiff has filed objections to the Magistrate's findings and recommendations. In these objections, Plaintiff makes new allegations regarding the personal participation of Defendant Courington. Thus, the Court will construe the Plaintiff's objections as a supplement to Plaintiff's Amended Complaint.

The Court adopts the findings and recommendations in part. The Court specifically adopts the findings and recommendations regarding Defendant Deloney. In light of the Plaintiff's objections and the new factual allegations made therein, the Court declines to adopt the portion of the findings and recommendations regarding Defendant Courington.

Service is now appropriate. The Clerk of the Court is directed to prepare a summons for Defendant Deloney and Courington, and the United States Marshal is directed to serve copies of the original and amended complaints with any attachments (docket entries #2, #5 and #17), and a summons for Defendants through the Compliance Division of the Arkansas Department of Corrections without prepayment of fees and costs or security therefor. Should Defendants need copies of other filed documents, they are available from the Clerk's office or may be accessed through the PACER system for the United States District Court.

IT IS SO ORDERED this 28th day of May 2008.


UNITED STATES DISTRICT JUDGE